

FILED  
MAR 29 2017  
Clerk, U.S. District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

MID CONTINENT CASUALTY  
COMPANY,

Plaintiff,

vs.

ALAN ENGELKE, STATE FARM  
FIRE & CASUALTY COMPANY,  
DRY PRAIRIE RURAL WATER  
AUTHORITY, AND DOES 1-10,

Defendants.

CV 17-41-BLG-SPW

ORDER

Defendant, State Farm Fire & Casualty Company, having filed an Answer to the Complaint in the above-captioned matter and pursuant to Rule 16(b)(2), a preliminary pretrial conference is appropriate. Accordingly, IT IS HEREBY ORDERED:

1. Pursuant to Fed. R. Civ. P. 16(a), lead trial counsel for the respective parties shall appear through **conference call on Friday, May 26, 2017, at 10:00 a.m.** for the purpose of participating in the preliminary pretrial conference. The conference is intended to develop a case-specific plan for discovery and a schedule for disposition of the case. The case management plan resulting from the

preliminary pretrial conference is not subject to revision absent compelling reasons.

2. The conference will be conducted in accordance with Fed. R. Civ. P. 16 and 26(f) and Local Rules 16.1, 16.2, and 26.1. Counsel may appear telephonically by following these steps:

- A. Dial: 1-877-336-1828
- B. Enter access code: 5803070#
- C. Press: #
- D. Speak your name at the tone

Counsel is also welcome to appear in chambers for the conference. If any party intends to appear in person, they must so state in the first paragraph of their preliminary pretrial statement. If a party cannot attend the conference at the time set, application for an extension must be made by motion. This motion must state whether the opposing party or parties object(s). The motion must be accompanied with a proposed date that works for all parties.

3. Any party may commence discovery immediately upon providing the Rule 26(a)(1) Initial Disclosures to all opposing parties. Fed. R. Civ. P. 26(d).

4. By **May 5, 2017**, lead counsel must confer to consider matters listed in Fed. R. Civ. P. 26(f).

5. By **May 12, 2017**, the parties shall jointly file with the Court a written report outlining the discovery plan formulated at the conference.

Pursuant to Fed. R. Civ. P. 26(f)(3), the parties will design the discovery plan to require simultaneous disclosure of all liability experts. Plaintiff's damages experts shall be disclosed on the same day. Defendant's damages experts shall be disclosed thirty days thereafter. Expert disclosures must comply with Fed. R. Civ. P. 26(a)(2)(B) on or before the deadline for disclosure. Discovery shall close thirty to sixty days after the deadline for disclosure of Defendant's damages experts. The parties should propose a date certain for the close of discovery. A motions deadline will be set at the preliminary pretrial conference.

The parties should also bear in mind that, as the case develops, they may agree among themselves to extend discovery. Fed. R. Civ. P. 29. However, the discovery deadline set by the Court will not be continued, nor will the Court entertain discovery motions based on post-deadline occurrences.

6. By **May 19, 2017**, the parties must file a preliminary pretrial statement that complies with Local Rule 16.2(b)(1).

7. By **May 19, 2017**, Plaintiff must file a statement of stipulated facts that complies with Local Rule 16.2(b)(3) and email it to the Court using the email address spw\_propord@mtd.uscourts.gov.

8. Pursuant to L.R. 16.5, prior to the preliminary pretrial conference, the parties shall confer with one another and consider which of the methods of Alternative Dispute Resolution listed in L.R. 16.5(a)(1) would be beneficial to

resolving the case. Even if the parties disagree, the Court will order participation in ADR. L.R. 16.5(c)(1) absent good cause to do otherwise.

9. Registration in and use of the Court's electronic filing system is mandatory for all attorneys as of January 10, 2007. Training is required before registration is permitted. Counsel who are not filing electronically by that date shall comply with D. Mont. L.R. 1.4(c)(1) and (d). Further information is available on the Court's website, [www.mtd.uscourts.gov](http://www.mtd.uscourts.gov), or from the Clerk's Office.

Each Party not filing electronically is directed to include a disk in Word or WordPerfect format which contains its preliminary pretrial statement and its pleadings(s) (i.e. Complaint or Answer and Amended Complaint or Answer, etc.). If the joint discovery plan is not filed electronically, Plaintiff's disk must also include it.

DATED this 29<sup>th</sup> day of March, 2017.

  
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SUSAN P. WATTERS  
United States District Judge